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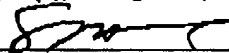
AUG 14 2006

F A X C O V E R

*****OFFICIAL FAX*****

Date: August 14, 2006 **Number of pages (including cover):** 6.**To:** Examiner E.P. LeRoux, Group Art Unit 2161
US Patent and Trademark Office**Fax No.:** (571) 273-8300**Serial No.:** 10/713416-Conf. #2730**Title:** DATA ACCESS AND RETRIEVAL MECHANISM**From:** Steven J. Henry**Direct dial:** (617) 646-8000**Our File #:** 10306.70000US00**CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)**

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PATENTS TRADEMARKS COPYRIGHTS TECHNOLOGY TRANSFERS LITIGATION

AUG 14 2006

Docket No.: I0306.70000US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen Venditti et al.
Serial No.: 10/713416
Confirmation No.: 2730
Filed: November 14, 2003
For: DATA ACCESS AND RETRIEVAL MECHANISM
Examiner: E. P. LeRoux
Art Unit: 2161

Certificate of Transmission Under 37 CFR 1.8(a)
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (877) 273-8300, for the attention of Examiner LeRoux in Group Art Unit 2161, on the date shown below.

Dated: 8/14/06
Steven J. Henry, Registration No. 27,900

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW AGENDA

Applicants' representatives wish to thank Examiner LeRoux for agreeing to conduct a telephone interview, scheduled for August 17, 2006 at 2:00 pm, in connection with this application. Applicants' representatives would like to discuss the following during the interview.

I. Rejection Under §102**A. Claim 1**

Claim 1 requires, *inter alia*, providing an input mechanism by means of which a user may select for preservation at least one resource from a data collection; and executing, in response to the user's selection, a command to preserve the selected at least one resource in a system location.

Applicants' representatives believe the claim term "preservation" has not been given due weight. As described in Applicants' specification, the preservation, at a particular system location, of a resource identified in a search, may involve physically duplicating the resource to that system location (e.g., by creating a snapshot of the resource and placing it at the location).

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Application No.: 10/713416

2

Docket No.: I0306.70000US00

The original resource may be unaffected. A data structure describing resources identified to the system, system locations and system functions may also be updated to reflect that the resource is physically duplicated at the location (Applicants' specification, p. 12, lines 14-33).

Preserving the resource by making a copy to a selected system location allows a snapshot of the resource to be kept while users continue to have access to the resource with the ability to modify, move and delete it.

B. Wang

1. Search Results Document

Wang discloses a system which allows users to search for documents stored in a shared library, and to store the results of a search in a "search results document" (SRD)(see, e.g., col. 7, lines 52-57). The SRD fails to meet the limitations of claim 1, as it neither provides an input mechanism which a user may employ to select one or more resources for preservation nor executes a command to preserve the selected resource(s) in a system location. Specifically, Wang discloses or suggests nothing at all relating to preserving the identified documents themselves – not just their identities – in an SRD.

(b) Document Object Model

Wang discloses that documents are stored in the shared library in accordance with a document object model (see Figs. 1 and 2 of Wang). The model includes an access control model object (ACMO) and document relation object (DRO)(col. 3, line 48 – col. 4, line 5). The Office Action contends that the ACMO, which Wang discloses contains access information relating to a given document, satisfies the claim 1 limitation of providing an input mechanism by means of which a user may select for preservation at least one resource represented by a search result. The Office Action also contends that the DRO, which according to Wang describes the logical relationship between a given document and other documents, satisfies the claim 1 limitation of executing a command to preserve a selected resource in a system location. Neither of these contentions is supported by the Wang disclosure.

Wang neither discloses nor suggests that the ACMO or DRO can be used to preserve a document identified in a search. Indeed, the only relevance the document object model (or the

Application No.: 10/713416

3

Docket No.: I0306.70000US00

objects that comprise it) has to searching at all is that the document object model may provide parameters through which documents can be identified in a search (col. 6, lines 53-63). Wang certainly does not teach that the ACMO or DRO, or any other object in the document object model, can be used to preserve a document identified in a search. Moreover, Wang says absolutely nothing about any input mechanism other than the search command itself, and certainly does not disclose that either the ACMO or DRO provide an input mechanism usable to select a resource for preservation, from search results, as required by claim 1.

Although the Office Action does not explicitly say so, it seems to suggest that the Examiner believes the ACMO, by defining access control information, provides a mechanism which could conceivably be used to preserve a selected resource by preventing others from deleting it, and that the DRO, by defining logical relationships between documents, provides a mechanism which could conceivably be used to associate a document with a system location. In so doing, the Office Action appears to take the position that even if Wang does not explicitly teach providing an input mechanism usable to select a resource for preservation, such a capability is inherent in the disclosure of Wang. Reaching such a conclusion requires a leap of faith. There is no express disclosure and inherency is an exceedingly difficult standard to meet. M.P.E.P. § 2112 (IV) states:

To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. (Emphasis added)

As a result, even if hindsight reveals the ACMO and DRO could conceivably be used in the manner which the Office Action suggests (which Applicants do not concede), the mere fact that such conceivable uses exist does not even come close to establishing that it did/does exist and that a rejection based on inherency will stand. The reference does not inherently disclose preservation of a resource at a system location unless it must operate to do so. There is no such showing. Thus, the rejection under Section 102 is improper.

Application No.: 10/713416

4

Docket No.: I0306.70000US00

II. Proposed Clarifying Amendments

Applicants' representatives also submit for the Examiner's consideration proposed amendments to the independent claims. These amendments are not made to distinguish the independent claims over the prior art of record, but rather to clarify the subject matter sought to be patented. The below amendments to claim 1 are representative of those proposed for all independent claims:

1. A computer-implemented method for facilitating access to a resource which is included in a data collection, the resource comprising a self-contained module of data, the data collection comprising a plurality of resources, the method comprising acts of:

(A) executing a search query on the data collection to produce at least one search result, the search query specifying at least one criterion, each of the at least one search results representing a resource which satisfies the at least one criterion;

(B) upon the completion of the act (A), providing an input mechanism by means of which a user may select for preservation at least one resource represented by a search result ~~from the data collection~~; and

(C) executing, in response to the user's selection, a command to preserve the selected at least one resource in a system location.

Application No.: 10/713416

5

Docket No.: I0306.70000US00

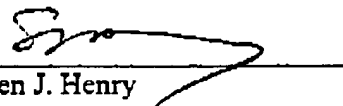
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CENTRAL FAX CENTER**III. Conclusion****AUG 14 2006**

Again, Applicants' representatives thank the Examiner for agreeing to the scheduled telephone interview and look forward to speaking with the Examiner to see whether this application can be moved forward. If the Examiner has any questions concerning the foregoing prior to the scheduled interview, he is invited to contact the undersigned at the number listed below.

Dated: August 14, 2006

Respectfully submitted,

By


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